UNITED STATES PATENT AND TRADEMARK OFFICE

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Saul Ewing, LLP
TVWORKS, LLC
1500 MARKET STREET
38th Floor
PHILADELPHIA, PA 19102

EXAMINER
STOKELY-COLLINS, JASMINE N

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DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-3, 5-11, 13-16 and 18-22 have

been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 3, 9, 11 and 21-22 are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Claims 3, 9, and 21-22 recite the limitation "said user selectable element"

in line 2 of each claim. There is insufficient antecedent basis for this limitation in

the claims.

Claim 11 claims dependency on claim 4, however claim 4 is cancelled.

For the purposes of advancing prosecution, the examiner will assume the

dependency to be on claim 1, which now contains the limitations of claim 4

before it was cancelled.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1, 5-7, 10, and 13 are rejected under 35 U.S.C. 102(e) as being

anticipated by Patterson (US 5,923,379).

Regarding claim 1, Patterson teaches an information system, comprising:

a controller (fig. 3 microprocessor 26), for generating an image representative

signal adapted for use by a display device (col. 3 ll. 21-23);

a broadcast interface for applying broadcast information from a broadcast signal

to a

controller (fig. 3: elements 12-16); and

an interactive information interface for applying interactive information from the

web to said controller (fig. 3 modem 40);

an input device interface for providing user input to said controller (col. 3 ll. 11-

14, 54-56);

data memory for storing user preferences (PIP capabilities col. 3 ll. 57-60);

wherein said controller is configured to obtain said interactive information in

response to said user input and broadcast information in response to said user

input (col. 3 ll. 60-col. 4 ll. 1), said controller being further configured to generate

said image representative signal such that corresponding presented imagery

includes: an interactive portion containing said interactive information, and a

broadcast portion containing said broadcast portion, wherein said interactive and

said broadcast portions are formatted according to said user preferences (co. 3

II. 60-col. 4 II. 2).

Regarding claim 5, when read in light of claim 1, Patterson further teaches

said interactive information interface comprises a network access device (fig. 3

modem 40).

Regarding claim 6, when read in light of claim 5, Patterson further teaches

said network access device includes a web modem (fig. 3 modem 40).

Regarding claim 7, when read in light of claim 1, Patterson further teaches

said interactive portion of said imagery comprises objects retrieved from a

network and displayed in a first image panel; and said broadcast portion of said

imagery comprises broadcast video imagery displayed in a second image panel

(col. 3 II. 57-col. 4 II. 1).

Regarding claim 10, when read in light of claim 7, Patterson further

teaches said first image panel is used to display web content (col. 3 II. 57-col. 4 II.

1).

Regarding claim 13, when read in light of claim 7, Patterson further

teaches said retrieved information is displayed in said first image panel (col. 3 ll.

57-col. 4 ll. 1).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 2-3, 9, and 21-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Patterson (US 5,923,379) in view of Kikinis (US 5,929,849).

Regarding claim 2, when read in light of claim 1, Patterson teaches the

information system of claim 1.

Patterson does not teach said broadcast signal comprises a hyperlink

associated with said interactive information.

In related art, Kikinis teaches sending URLs with broadcast television

(abstract), in which activation of a hyperlink, such as the BMW icon shown in fig.

2C, results in a window displaying a BMW webpage. It would have been obvious

to one of ordinary skill in the art at the time the invention was made to include

hyperlinks with the broadcast information sent in Patterson for he benefit of

enhancing the viewers experience by providing opportunities to surf webpages related to the television programming.

Regarding claim 3, when read in light of claim 1, Patterson teaches the information system of claim 1, including an input device comprising a keypad or pointing device (keyboard and mouse, col. 3 ll. 54-56).

While Patterson teaches "surfing the Internet", he does not explicitly teach a user selectable element, said input element comprising at least one of a keypad, a pointing device and a graphical user interface.

In related art, Kikinis teaches a user selectable element sent with a broadcast (BMW icon shown in fig. 2C) that can be selected with a cursor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a user selectable element that would allow a user to access webpages related to broadcast programming for the benefit of enhancing the viewing experience with supplemental information.

Regarding claim 9, when read in light of claim 1, Patterson teaches the information system of claim 1.

While Patterson teaches "surfing the Internet", he does not explicitly teach a user selectable element, wherein said user selectable element includes a control button for selecting a preference, said preference being used to

determine how said broadcast information is presented in relationship to said interactive information.

In related art, Kikinis teaches a user selectable element sent with a broadcast (BMW icon shown in fig. 2C) that can be selected with a cursor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a user selectable element that would allow a user to access webpages related to broadcast programming for the benefit of enhancing the viewing experience with supplemental information.

In addition to Kikinis' teaching of the selection of the element determining whether or not interactive information is displayed either in a window or not at all, Patterson goes on to teach the user has the ability to choose which source is displayed in the main window and which source is displayed in the PIP window. Therefore, the user selectable element initiating webpage access not only includes the user being able to choose whether the interactive content is displayed, but also includes the capability to choose whether that webpage will be displayed in the main window or the PIP window.

Regarding claim 21, when read in light of claim 1, Patterson teaches the information system of claim 1.

While Patterson teaches "surfing the Internet", he does not explicitly teach a user selectable element, wherein said user selectable element includes a control button for selecting a preference, said preference being used to select

from a set of predetermined display formats that determine how displayed

broadcast information is presented in relationship to displayed interactive

information.

In related art, Kikinis teaches a user selectable element sent with a

broadcast (BMW icon shown in fig. 2C) that can be selected with a cursor. It

would have been obvious to one of ordinary skill in the art at the time the

invention was made to include a user selectable element that would allow a user

to access webpages related to broadcast programming for the benefit of

enhancing the viewing experience with supplemental information.

In addition to Kikinis' teaching of the selection of the element determining

whether or not interactive information is displayed either in a window or not at all,

Patterson goes on to teach the user has the ability to choose which source is

displayed in the main window and which source is displayed in the PIP window.

Therefore, the user selectable element initiating webpage access not only

includes the user being able to choose whether the interactive content is

displayed, but also includes the capability to choose whether that webpage will

be displayed in the main window or the PIP window.

Regarding claim 22, when read in light of claim 1, Patterson teaches the

information system of claim 1.

While Patterson teaches "surfing the Internet", he does not explicitly teach

a user selectable element, wherein said user selectable element includes a

control button for selecting a preference, said preference being used to alter a predetermined display format that determines how displayed broadcast information is presented in relationship to displayed interactive information.

In related art, Kikinis teaches a user selectable element sent with a broadcast (BMW icon shown in fig. 2C) that can be selected with a cursor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a user selectable element that would allow a user to access webpages related to broadcast programming for the benefit of enhancing the viewing experience with supplemental information.

In addition to Kikinis' teaching of the selection of the element determining whether or not interactive information is displayed either in a window or not at all, Patterson goes on to teach the user has the ability to choose which source is displayed in the main window and which source is displayed in the PIP window. Therefore, the user selectable element initiating webpage access not only includes the user being able to choose whether the interactive content is displayed, but also includes the capability to choose whether that webpage will be displayed in the main window or the PIP window.

8.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (US 5,923,379) in view of Nakano et al (US 5,745,109).

Regarding claim 8, when read in light of claim 7, Patterson teaches the system of claim 7 where multiple panels are simultaneously displayed. Patterson does not disclose said first panel is at least partially transparent and overlaps said second panel.

Nakano teaches a first panel is at least partially transparent and overlaps a second panel (Figure 6A). It would have been obvious to one ordinarily skilled in the art, at the time the invention was made, to combine the teachings of Patterson and Nakano in order to simultaneously view both windows by seeing the broadcast image through the interactive window (as stated by Nakano column 5 lines 58-60) and therefore being able to maximize the viewing area of the broadcast image.

10.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson (US 5,923,379) in view of Merriman et al (US 5,948,061).

Regarding claim 14, when read in light of claim 1, Patterson teaches the information system of claim 1.

Patterson does not teach said user preference being stored in memory by a web site interacting with said interactive information interface.

Merriman teaches a method of delivering targeted advertising to viewers in which a database stores the amount of times a user accesses an ad (i.e. the number of times a user selects an element... col. 6 ll. 17-19). Therefore,

Merriman teaches data memory for storing a user preference (database), said

user preference being stored in said memory by a web site interacting with said

interactive information interface (ad server performs a reporting process, col. 4 ll.

37-42). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to incorporate Merriman's method of targeted advertising

in the networks disclosed in Patterson for the benefit of maximizing the likelihood

that a user will respond to an advertisement and in turn maximizing the revenue

made off of advertisements.

11.   Claim 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Patterson (US 5,923,379) in view of Kikinis (US 5,929,849), and further in view of

Merriman et al (US 5,948,061).

        Regarding claim 15, when read in light of claim 1, Patterson teaches the

information system of claim 1.

Patterson does not teach a user selectable element, where a user preference is

stored in a memory in response to user interaction via said user selectable

element.

        While Patterson teaches "surfing the Internet", he does not explicitly teach

a user selectable element, wherein said user selectable element includes a

control button for selecting a preference, said preference being used to

determine how said broadcast information is presented in relationship to said interactive information.

In related art, Kikinis teaches a user selectable element sent with a broadcast (BMW icon shown in fig. 2C) that can be selected with a cursor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a user selectable element that would allow a user to access webpages related to broadcast programming for the benefit of enhancing the viewing experience with supplemental information.

Merriman teaches data memory (database, col. 5 ll. 50-60) for storing a user preference. Patterson in view of Kikinis teaches presenting web content with a program and accessing this content by user selection of an icon. Merriman teaches advertisements being stored on networks in col. 2 ll. 17-19. Merriman also teaches in col. 4 ll. 37-42 that an ad server updates a counter in a database each time an ad is displayed. The combination of Patterson in view of Merriman results in said user preference being stored in said memory in response to user interaction via said user selectable element. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Merriman's method of targeted advertising in the networks disclosed in Patterson and Kikinis for the benefit of maximizing the likelihood that a user will respond to an advertisement and in turn maximizing the revenue made off of advertisements.

Regarding claim 20, when read in light of claim 15, Merriman further
teaches retrieving preferences and formatting the received selected web content
and received broadcast content based on those preferences (col. 1 ll. 29-39
teach displaying an on-line advertisement by placing banners at an appropriate
location on a browser. Merriman further teaches that an advertisement is
selected based on preferences contained in a database in col. 5 ll. 50-col. 6 ll.
59).

12.   Claims 16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Patterson (US 5,923,379) in view of Kikinis (US 5,929,849) and Merriman et al (US
5,948,061), and Yuen et al (US 5,532,732).

Regarding claim 16, Patterson teaches a method of displaying information
comprising: initializing a display system ; receiving selected web content;
receiving broadcast content; receiving user preferences (which stream to display
in PIP and which to display in the main window); formatting received web content
and received broadcast content into video information according to said user
preferences; and displaying video information to simultaneously produce
interactive information (col. 3 ll.11-14, 48-50, 57-col. 4 ll. 1) and a television
broadcast (figure 8c).

Patterson does not teach a user selectable element;

receiving personalized indicia;

altering the broadcast content according to the personalized indicia; and

formatting received personalized indicia into video information.

In related art, Kikinis teaches a user selectable element sent with a broadcast

(BMW icon shown in fig. 2C) that can be selected with a cursor. It would have

been obvious to one of ordinary skill in the art at the time the invention was made

to include a user selectable element that would allow a user to access webpages

related to broadcast programming for the benefit of enhancing the viewing

experience with supplemental information.

Regarding limitations "altering the broadcast content according to the

personalized indicia", Merriman teaches this limitation by selecting

advertisements sent through a network (col. 1 ll. 8-11) based on personalized

indicia (cookies). In Patterson's system, there are two networks, one being a

DSS broadcast network which would also include commercials as is known in the

art. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate Merriman's method of targeted advertising in

the networks disclosed in Merriman for the benefit of maximizing the likelihood

that a user will respond to an advertisement and in turn maximizing the revenue

made off of advertisements.

Regarding limitation "receiving personalized indicia within at least an out-

of-band portion of a television signal", Merriman teaches sending personalized

indicia in the form of a web browser cookie (column 5 lines 18-28) in which the

ad server (advertisers) use the collected information from the cookie for future

delivering of targeted ads to corresponding user (column 5 line 65 - column 6 line

60). The combination of Patterson and Kikinis in view of Merriman results in both

the internet and a broadcast television network storing and sending supplemental

internet content which would include any web advertisements. It is well known in

the art to use the vertical blanking interval of a television signal to monitor

audience viewing habits, as disclosed in Yuen col. 1 ll. 66-col. 2 ll. 4. In the

system taught by Patterson and Kikinis in view of Merriman, this monitoring is

done using web browser cookies. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to include Merriman's cookies

in the VBI, as taught by Yuen for the benefit of using an existing communication

channel to monitor the viewing of supplemental content provided through

Patterson's broadcasting network.

Regarding claim 18, when read in light of claim 16, Merriman further

teaches sending targeted advertisements to users (i.e. "retrieving personalized

information") based on user profiles and the number of times a user has been

exposed to a particular advertisement (column 5 line 50-column 6 line 59), where

cookies ("personalized indicia") are used to determine and access this

information (column 5 lines 19-21). Therefore, limitation "retrieving personalized

information based on said personalized indicia" is met.

Regarding claim 19, when read in light of claim 16, Merriman further

teaches said personalized indicia is a web browser cookie (col. 5 ll. 18-28).

Conclusion

13.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JASMINE STOKELY-COLLINS whose telephone

number is (571) 270-3459. The examiner can normally be reached on M-Th 9:30-5:00

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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/Jasmine Stokely-Collins/
Examiner, Art Unit 2423

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423